

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 19-10765

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JEOPHREY RAUL MURRIETA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas

O R D E R:

The attorney appointed to represent Jeophrey Raul Murrieta on appeal has filed a motion to withdraw and a brief that relies on *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Murrieta has not filed a response.

Counsel's brief is inadequate in the following respects. The brief fails to address jury selection, the jury instructions, or any un-objected-to errors that may rise to the level of plain error. Counsel also fails to discuss the restitution order. In considering these issues, counsel is reminded that the standard for withdrawal is not whether Murrieta would likely succeed on appeal but whether there is any nonfrivolous basis for appeal. *See Anders*, 386 U.S. at 744.

Counsel is ORDERED to file within 30 days a supplemental *Anders* brief addressing the above issues or, in the alternative, a brief on the merits addressing any nonfrivolous issues that counsel deems appropriate.

The motion to withdraw is CARRIED with the case. Counsel should move to withdraw this motion if a merits brief is filed.

A handwritten signature in black ink, appearing to read 'SK Duncan', with a long horizontal flourish extending to the right.

STUART KYLE DUNCAN
UNITED STATES CIRCUIT JUDGE

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

March 06, 2020

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 19-10765 USA v. Jeophrey Murrieta
USDC No. 1:18-CR-75-2

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Casey A. Sullivan, Deputy Clerk
504-310-7642

Mr. Aaron Ray Clements
Ms. Karen S. Mitchell
Mr. Jeophrey Raul Murrieta
Ms. Leigha Amy Simonton